

E-FILED: 7.19.2007

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SANTANA ROW HOTEL PARTNERS, L.P.,

No. C05-00198 JW (HRL)

Plaintiff,
v.

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT
ZURICH'S REQUEST FOR FEES AND
EXPENSES**

ZURICH AMERICAN INSURANCE
COMPANY, GALLAGHER-PIPINO, INC. and
ARTHUR J. GALLAGHER & CO.,

[Re: Docket No. 342]

Defendants.

Pursuant to this court's February 23, 2007 "Order Denying in Part Zurich American Insurance Company's Motion to Exclude Expert Disclosures" (Docket No. 252), defendant Zurich submitted the declaration of its counsel, asserting that it incurred over \$10,000 in additional fees and expenses because of Hamilton's belated disclosure.¹ Plaintiff Santana Row Hotel Partners filed a response stating its objections. Zurich later filed a supplemental declaration. Upon consideration of the moving and responding papers, IT IS ORDERED THAT:

¹ Zurich's request for fees and expenses was untimely. The request was to have been submitted within three court days after the completion of Hamilton's deposition, which reportedly took place on June 22, 2007. However, no prejudice resulted from the fact that Zurich's submission was delayed by a few days.

1 1. Plaintiff shall pay \$4,630.50 to Zurich for attorney's fees/costs incurred in
2 litigating Zurich's underlying motion;²

3 2. Zurich's request for \$4361.00 for its counsel's "modified and expanded"
4 deposition preparation is denied. These fees appear to have been the result of time spent
5 studying information in Hamilton's new report. (See Jones Decl., ¶¶ 7-8). In its previous order,
6 however, this court stated that it did "not believe that time spent preparing for Hamilton's
7 deposition with respect to his new report will be time wasted." (February 23, 2007 Order, 6:14-
8 15).

9 Dated: July 19, 2007



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

26 _____
27 ² Although Zurich did not submit evidence supporting its counsel's assertions
28 as to the reasonableness of the stated hourly rate, this court is well familiar with the range of
rates customarily charged by attorneys practicing before it, and the claimed rate is actually at
the low end of the range for cases of this complexity and magnitude.

5:05-cv-198 Notice will be electronically mailed to:

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